IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No.2118 of 2006 (O&M)

Date of decision:November 07, 2006

Gurmej Singh @ Gurmail Singh and Anrs .....Petitioners

Versus

Joint Development Commissioner(IRD) Pb. & Ors.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. Harsh Bunger, Advocate
for the petitioners

Mr. C.M. Munjal, Sr. Addl. A.G. Pb.
for the State

Mr. P.C.Suman, Advocate
for respondent No.4

-.-

ASHUTOSH MOHUNTA, J (Oral)

The case of the petitioners is that they had filed an appeal under Section 11(2) of the Punjab Village Common Lands (Regulation) Act, 1961 before the Joint Development Commissioner (IRD) (Exercising the powers of Commissioner) - respondent No.1, wherein ownership over the suit land was claimed. The Joint Development Commissioner has declined to grant stay for want of record, vide order dated 14.12.2005 (Annexure P-6).

Learned counsel for the petitioners contends that the petitioners are owner in possession over the land in dispute since long. However, this fact has been denied by the counsel for the Gram Panchayat. Be that as it may, as the appeal filed by the petitioners is pending before the Joint Development

Commissioner, therefore, it would be in the fitness of things if the parties maintain status quo regarding possession during the pendency of the appeal before the Joint Development Commissioner.

The writ petition is accordingly disposed of.

The Joint Development Commissioner is directed to decide the appeal, filed by the petitioners expeditiously, preferably within three months from the date of receipt of a certified copy of this order.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

November 07, 2006
mohan